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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

Office Action Summary

Application No.

10/733,251

Applicant(s)

FISCHER ET AL.

Examiner

RYAN D. DONLON

Art Unit

3695

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 June 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-89 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-89 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 June 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings filed on 10 June 2009 are accepted and therefore the objection to the drawings has been withdrawn.

Claim Rejections - 35 USC § 112

2. Claims 1, 23, 32, 53, 72-73, and 76-85 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

3. Claims 1, 23, 32, 53, 72-73, 76-82, and 84 recite "unemployment insurance tax payment status of the employer" however; the specification lacks support for this limitation in relation to claim eligibility. The specification does recite support for "[Unemployment Insurance] tax data includes a tax payment status of an employer", however this "a tax payment status" does not inherently mean an unemployment insurance tax payment status. In regard to new matter situations, inherency is necessary to show possession at the time the application was filed, not obviousness.

4. Claims 76-77 recite "the unemployment insurance tax payment status comprises data reflecting an amount of unemployment insurance taxes due from the employer to a federal or state unemployment insurance agency, and data reflecting an amount of unemployment insurance taxes paid by the employer to the federal or state unemployment insurance agency.". However the specification does not contain support

for this limitation. While the specification does contain support for an amount of unemployment insurance taxes due from the employer to a federal or state unemployment insurance agency, and data reflecting an amount of unemployment insurance taxes paid by the employer to the federal or state unemployment insurance agency this information is not disclosed to be included in the same information regarded as a tax payment status.

5. Claims 83 and 85 recite "access [(accessing)] the benefit status of the claimant". However the specification only has support for determining the taxes due from the employer based upon "claimants" (see page 20 lines 2-5) rather than the *individually identified* "the claimant".

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-4, 7-11, 17-19, 22-25, 28-34, 37-41, 46-49, 52-56, 58-68, 70-73, 76-77, 79-82 and 84 rejected under 35 U.S.C. 103(a) as being unpatentable over Micciantuono US 2003/0225639 A1 (hereinafter Micciantuono) in view of GAO "UNEMPLOYMENT INSURANCE Increased Focus on Program Integrity Could Reduce Billions in Overpayments" (hereinafter GAO) and further in view of Kahn et al., 2002/0184148 (hereinafter Kahn).

8. As per **claim 1**:

Micciantuono teaches a system for handling unemployment insurance comprising:

a unified database containing unemployment insurance benefit data and unemployment insurance tax data, wherein the unemployment insurance benefit data comprises a benefit status of a claimant and tax data associated with the claimant (see at least paragraphs [0033]-[0036]);

Micciantuono does not specifically teach unemployment insurance tax data comprising an unemployment insurance tax payment status of an employer.

9. However Kahn teaches unemployment insurance tax data comprising an unemployment insurance tax payment status of an employer (see at least paragraphs [0205]-[0206], Figure 41(c), and [0304]-[0305])

10. It would have been obvious to one of ordinary skill in the art to include in the practice of providing a unified database of unemployment benefit data and tax data of Micciantuono, the practice of collecting unemployment insurance tax payment status of the employer because the data is non-functional as claimed and further because the data elements are obvious substitutions and the result of the substitution would have been predictable by one of ordinary skill in the art at the time of the invention.

11. Micciantuono also does not teach a functional layer that is configured to evaluate a request for an unemployment insurance benefit by the claimant based on the benefit status of the claimant and the unemployment insurance tax payment status of the employer.

12. However GAO teaches a functional layer that is configured to evaluate a request for an unemployment insurance benefit by the claimant based on the benefit status of the claimant and reported wages (see pages 14-15)

13. It would have been obvious in view of the unified database containing unemployment insurance benefit data taught by Micciantuono, to substitute the unemployment insurance tax payment status of the employer as taught by Kahn, for the reported wage information as taught by GAO for evaluating a request for unemployment insurance benefits because either data would indicate the current employment status necessary to determine unemployment insurance eligibility. Further, because the claimed invention is merely a substitution of non-functional elements, and in the substitution, each element merely would have performed the same function, and one of ordinary skill in the art would have recognized that the results of the substitution were predictable.

14. Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings Micciantuono, Kahn and GAO to obtain the invention as specified in claim 1.

15. Examiners Note: In the rejection to the claim 1 above, the Examiner has pointed out how Kahn teaches unemployment insurance tax data comprising an unemployment insurance tax payment status of an employer (see at least paragraphs [0205]-[0206], Figure 41(c), and [0304]-[0305]). Therefore subsequent recitations of unemployment insurance tax data and unemployment insurance tax payment status in dependant

claims are considered hereby addressed in view of the combination described in this obviousness rejection.

16. As per **claim 2**:

Micciantuono teaches a system of claim 1 wherein the unified database further comprises a data manager configured to manage the unemployment insurance benefit data and the unemployment insurance tax data (see at least paragraphs [0021], [0033]-[0037]).

17. As per **claim 3**:

Micciantuono teaches a system of claim 1 further comprising an access channel configured to allow a user access to the unified database and to the functional layer (see at least paragraph [0006]).

18. As per **claim 4**:

Micciantuono teaches a system of claim 3 wherein the access channel comprises a telephone contact center configured to receive telephone calls from a user (see at least paragraph [0006]).

19. As per **claim 7**:

Micciantuono teaches a system of claim 1 further comprising a unified desktop that is configured to allow a worker to manage the unemployment insurance benefit

data, the unemployment insurance tax data, and the functional layer (see at least paragraphs [0030]-[0036]).

20. As per **claim 8**:

Micciantuono teaches a system of claim 7 wherein the unified desktop enables the worker to manage the request for the unemployment insurance benefit by the claimant (see at least paragraphs [0036]-[0037]).

21. As per **claim 9**:

Micciantuono does not teach a system of claim 7 wherein the unified desktop enables the worker to manage a payment of an unemployment insurance tax by the employer. However, Micciantuono does teach a system of claim 7 wherein the unified desktop enables the worker to manage a payment of unemployment insurance fees by the employer (see at least paragraphs [0023]-[0024]). It would have been obvious to substitute the unemployment fees with unemployment taxes, because this is a non-functional descriptive limitation and the invention would have been implemented the same way whether it is fees or taxes that are managed.

22. As per **claim 10**:

Micciantuono does not teach a system of claim 7 wherein the unified desktop comprises one or more pop-up screens that provide information to the worker. However aesthetic design changes that do not impart functionality are not considered patentably

distinguishing features (*In re Seid*, 161 F.2d 229, 73 USPQ 431). Further pop-up screens are very old and well known and therefore would have been obvious aesthetic improvements over the prior art.

23. As per **claim 11**:

Micciantuono discloses a system of claim 7 wherein the unified desktop comprises one or more predetermined scripts (forms and reports) for use by the worker (see at least paragraphs [0030]-[0032]).

24. As per **claim 16**:

Micciantuono discloses a system of claim 1 further comprising a reporting layer (see at least paragraph [0031] wherein reports may be generated based on collected data) that is configured to generate a report based on the unemployment insurance benefit data and the unemployment insurance tax data (see at least paragraphs [0033]-[0035]).

25. As per **claim 17**:

Micciantuono discloses a system of claim 16 wherein the report at least one of an employer balance due report, an employer monthly benefits charge statement, an employer determination of benefits report, a claimant claim history report, a claimant job referral report, a performance metrics report, a notice (see at least paragraph [0031]), an identification of claimant discrepancy report, and an identification of agency

discrepancy report.

26. As per **claims 18 and 19:**

Micciantuono does not specifically disclose the limitations of claims 18 and 19. However, Micciantuono suggests a system of claim 1 further comprising an external system interface configured to communicate with an outside entity at least one of a state agency and a federal agency (see at least paragraphs [0021], [0035] wherein it is disclosed a State withhold tax for the benefits of the system. Which suggests withholding these taxes which then would have been remitted (communication) to the respective State agency).

27. Therefore it is either implied, suggested or an obvious improvement to the system of Micciantuono to include in the invention an external system interface to communicate with an outside state or federal agency because this would have allowed the system to remit the withheld taxes.

28. As per **claim 22:**

Micciantuono teaches a system of claim 1 wherein the functional layer is further configured to check the benefit status of the claimant (see at least paragraphs [0015]-[0025]).

29. As per **claim 23**:

Micciantuono does not teach the system of claim 1 wherein the functional layer is further configured to check the tax payment status of the employer.

30. However the GAO teaches a system configured to check the wage status (pages 14-15) and Kahn teaches tax payment status of the employer (see at least paragraphs [0205]-[0206], Figure 41(c), and [0304]-[0305])

31. It would have been obvious to combine the references for at least the reasons mention in the rejection of claim 1.

32. As per **claim 78, (New)**

Kahn discloses the system of claim 23, wherein the functional layer is configured to check the tax payment status of the employer by accessing data indicating unemployment insurance tax payments made by the employer and received by a state or federal unemployment insurance agency (see at least paragraph [0206]).

33. As per **claim 24**:

Micciantuono teaches a system of claim 1 wherein the functional layer is further configured to issue the unemployment insurance benefit to the claimant if the claimant is eligible for the unemployment insurance benefit (see at least paragraph [0021]).

34. As per **claim 25**:

Micciantuono teaches a system of claim 24 wherein the functional layer is further

configured to receive an update of the benefit status of the claimant (see at least paragraph [0037]).

35. As per **claim 26**:

Micciantuono teaches a system of claim 24 wherein the functional layer is further configured to evaluate whether to terminate the unemployment insurance benefit (see at least paragraph [0029]).

36. As per **claim 28**:

Micciantuono teaches a system of claim 1 wherein the functional layer is further configured to:

receive tax information (tax withholding status) regarding taxes owed by the employer to a federal or a state government unemployment insurance agency (to whom the tax is owed, and their legal status, does not impart any physical limitations to the system);

and update the unemployment insurance tax data with the tax information (see at least paragraph [0034]).

37. As per **claim 29**:

The system of claim 1 wherein functional layer is further configured to:

receive wage information regarding wages paid by the employer;

and update the unemployment insurance tax data with the wage information (see

at least paragraph [0036]).

38. As per **claim 30**:

Micciantuono teaches a system of claim 29 wherein the functional layer is further configured to calculate an amount of unemployment insurance fees owed by the employer to a federal or a state government unemployment insurance agency (to whom the tax is owed, and their legal status, does not impart any physical limitations to the system); based upon the wage information (see at least paragraph [0022]). It would have been obvious to modify Micciantuono to calculate taxes rather than fees because taxes are a specific type of fee and it is old and well known to calculate unemployment taxes.

39. As per **claim 31**:

Micciantuono teaches a system of claim 30 wherein the functional layer is further configured to notify (charging) the employer of the amount of unemployment insurance tax owed by the employer (see at least paragraph [0022]).

40. As per **claim 32**:

A method for handling unemployment insurance, comprising:
electronically providing a unified database containing unemployment insurance benefit data and unemployment insurance tax data, wherein the unemployment insurance benefit data comprises a benefit status of a claimant and the unemployment

insurance tax data comprises an unemployment insurance tax payment status of an employer associated with the claimant;

and electronically evaluating, using at least one processor, a request for an unemployment insurance benefit by the claimant based on the benefit status of the claimant and the tax payment status of the employer.

41. This claim is rejected under the same rationale as claim 1 above.

42. As per **claim 33**:

The method of claim 32 further comprising accessing the unified database using an access channel.

43. This claim is rejected under the same rationale as claim 3 above.

44. As per **claim 34**:

The method of claim 33 wherein accessing the unified database comprises receiving a telephone call through a telephone contact center.

45. This claim is rejected under the same rationale as claim 4 above.

46. As per **claim 37**:

The method of claim 32 further comprising managing the unemployment insurance benefit data and the unemployment insurance tax data through a unified desktop.

47. This claim is rejected under the same rationale as claim 7 above.

48. As per **claim 38**:

Micciantuono teaches a method of claim 37 wherein evaluating the request further comprises evaluating the request through the unified desktop (see at least paragraph [0026]-[0036]).

49. As per **claim 39**:

Micciantuono teaches a method of claim 37 further comprising managing an unemployment insurance fee through the unified desktop (see at least paragraph [0022]-[0024]). It would have been obvious to substitute unemployment insurance tax for the unemployment fee disclosed in the prior art because the tax is a specific type of fee and it was old and well known to manage taxes.

50. As per **claim 40**:

The method of claim 37 further comprising providing information to a worker through one or more pop-up screens through the unified desktop.

51. This claim is rejected under the same rationale as claim 10 above.

52. As per **claim 41**:

The method of claim 37 further comprising providing one or more predetermined scripts to a worker through the unified desktop.

53. This claim is rejected under the same rationale as claim 11 above.

54. As per **claim 46:**

The method of claim 32 further comprising generating a report based on the unemployment insurance benefit data and the unemployment insurance tax data.

55. This claim is rejected under the same rationale as claim 16 above.

56. As per **claim 47:**

The method of claim 46 wherein the report includes at least one of an employer balance due report, an employer monthly benefits charge statement, an employer determination of benefits report, a claimant claim history report, a claimant job referral report, a performance metrics report, a notice, an identification of claimant discrepancy report, and an identification of agency discrepancy report.

57. This claim is rejected under the same rationale as claim 17 above.

58. As per **claim 48 and 49:**

The method of claim 32 further comprising communicating with an external agency through an external system interface; wherein the external agency includes at least one of a state agency or a federal agency.

59. These claims are rejected under the same rationale as claims 18 and 19 above.

60. As per **claim 52:**

The method of claim 32 further comprising checking the benefit status of the claimant.

61. This claim is rejected under the same rationale as claim 22 above.

62. As per **claim 53:**

The method of claim 32 further comprising checking the unemployment insurance tax payment status of the employer.

63. This claim is rejected under the same rationale as claim 23 above.

64. As per **claim 54:**

The method of claim 32 further comprising issuing the unemployment insurance benefit to the claimant if the claimant is eligible for the unemployment insurance benefit.

65. This claim is rejected under the same rationale as claim 24 above.

66. As per **claim 55:**

The method of claim 54 further comprising receiving an update of the benefit status of the claimant.

67. This claim is rejected under the same rationale as claim 25 above.

68. As per **claim 56:**

The method of claim 55 further comprising evaluating whether to terminate the unemployment insurance benefit.

69. This claim is rejected under the same rationale as claim 26 above.

70. As per **claim 58:**

The method of claim 32 further comprising:

receiving tax information regarding an unemployment insurance tax owed by the employer to a federal or a state government unemployment insurance agency;

and updating the unemployment insurance tax data with the tax information.

71. This claim is rejected under the same rationale as claim 28 above

72. As per **claim 59:**

The method of claim 58 further comprising:

receiving wage information regarding wages paid by the employer;

and updating the unemployment insurance tax data with the wage information.

73. This claim is rejected under the same rationale as claim 29 above.

74. As per **claim 60:**

The method of claim 59 further comprising calculating an amount of unemployment insurance tax owed by the employer to a federal or a state government unemployment insurance agency based upon the wage information.

75. This claim is rejected under the same rationale as claim 30 above.

76. As per **claim 61**:

The method of claim 60 further comprising notifying the employer of the amount of unemployment insurance tax owed or credit earned by the employer.

77. This claim is rejected under the same rationale as claim 31 above.

78. As per **claim 62**:

The method of claim 32 further comprising registering (becoming a client) an employer (see at least paragraphs [0011] and [0030]).

79. As per **claim 63**:

Micciantuono does not teach a method of claim 32 further comprising notifying an employer of a delinquent tax payment. However, Official Notice is taken that it was old and well known at the time of the invention to alert a client when a payment is delinquent. For example, companies often send out past due notices to customers who are late making payments.

80. It would have been obvious to one of ordinary skill in the art to include in the practice of administering an unemployment benefit of Micciantuono, the well known practice of notifying a delinquent customer because this would encourage payments on delinquent accounts. Further, the claimed invention is merely a combination of old elements, and in the combination, each element merely would have performed the

same function as is did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

81. Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings Micciantuono, GAO, Kahn and the well know practice of alerting delinquent customers to obtain the invention as specified in claim 63.

82. As per **claim 64**:

Micciantuono discloses a method of claim 32 further comprising performing a wage investigation (see at least paragraph [0036]).

83. As per **claims 65 and 66**:

Micciantuono does not teach a method of claim 32 further comprising making an adjustment to a tax of the employer; and

generating a notice of the adjustment

84. However, Official Notice is taken that it was old and well known in the art at the time of the invention to adjust unemployment taxes of the employer. For example, unemployment is often calculated as a function of the unemployment risk of the company (or industry of the company) and the balance of the unemployment coffers. In the event that the overall unemployment risk changes or the unemployment insurance funds pass certain thresholds, companies are notified of the changes in the unemployment tax (also known as FUTA) rates.

85. It would have been obvious to one of ordinary skill in the art to include in the practice of administering an unemployment benefit of Micciantuono, the old and well known practice of administering the unemployment tax rate because this would effectively allow for the unemployment benefit fees to change based upon demands of the economy. Further the claimed invention is merely a combination of old elements, and in the combination, each element merely would have performed the same function as is did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

86. Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings Micciantuono, GAO, Khan and the old and well known practice of administering an unemployment tax to obtain the invention as specified in claims 65 and 66.

87. As per **claim 67**:

Micciantuono does not disclose a method of claim 32 further comprising managing an employer insolvency. However, Micciantuono teaches managing unemployment insurance benefits. It would have been obvious to provide such a benefit in the event of employer insolvency. Further Official Notice is taken that it was old and well known in the art at the time of the invention provide unemployment insurance benefit for employees of insolvent companies. For example when employees are laid off after a bankruptcy of their company, employees often file for unemployment benefits.

88. It is therefore either implied or obvious for the system of Micciantuono to provide benefit for the employees of insolvent companies because these ex-employees would be unemployed and therefore be in need of unemployment insurance benefits.

89. As per **claim 68**:

Micciantuono teaches a method of claim 32 further comprising processing an unemployment insurance benefit payment (see at least paragraph [0021]).

90. As per **claim 70**:

Micciantuono teaches the method of claim 32 further comprising accounting for a benefit payment (see at least paragraph [0008]).

91. As per **claim 71**:

Micciantuono does not disclose The method of claim 32 further comprising performing an audit. However GAO teaches performing an audit (see at least enumerated pages 20-21).

92. It would have been obvious to combine the Micciantuono with GAO and Kahn for at least the reasons mention in claim 1 above.

93. As per **claim 72**:

A system for handling unemployment insurance comprising:
unemployment insurance benefit data comprising a benefit status of a claimant;

unemployment insurance tax data comprising an unemployment insurance tax payment status of an employer associated with the claimant;

and a unified desktop that is configured to process a function related to an unemployment insurance benefit for the claimant and a function related an unemployment insurance tax for the employer, based on the benefit status of the claimant and the unemployment insurance tax payment status of the employer.

94. This claim is rejected under the same rationale as claim 7 above.

95. As per **claim 73**:

A method for handling unemployment insurance comprising:

electronically providing unemployment insurance benefit data comprising a benefit status of a claimant;

electronically providing unemployment insurance tax data comprising a tax payment status of an employer associated with the claimant;

electronically processing using at least one processor, a function related to an unemployment insurance benefit for the claimant and a function related an unemployment insurance tax for the employer, based on the benefit status of the claimant and the unemployment insurance tax payment status of the employer, through a unified desktop.

96. This claim is rejected under the same rationale as claim 7 above.

97. As per **claim 76, (New)**

Kahn discloses the system of claim 1, wherein the unemployment insurance tax payment status comprises data reflecting an amount of unemployment insurance taxes due from the employer to a federal or state unemployment insurance agency, and data reflecting an amount of unemployment insurance taxes paid by the employer to the federal or state unemployment insurance agency (see at least paragraphs [0205]-[0206], Figure 41(c), and paragraphs [0304]-[0305]).

98. As per **claim 77**, (New)

The method of claim 32, wherein the unemployment insurance tax payment status comprises data reflecting an amount of unemployment insurance taxes due from the employer to a federal or state unemployment insurance agency, and data reflecting an amount of unemployment insurance taxes paid by the employer to the federal or state unemployment insurance agency.

This claim is rejected under the same rationale as claim 76 above.

99. As per **claim 79**, (New)

100. Kahn discloses the method of claim 53, wherein checking the tax payment status of the employer includes accessing data indicating unemployment insurance tax payments made by the employer and received by a state or federal unemployment insurance agency (see at least paragraph [0206]).

101. As per **claim 80**, (New)

GAO discloses the system of claim 1, wherein the functional layer being configured to evaluate the request comprises the functional layer being configured to:

access the data stored in the unified database,

determine, based on the data, whether the employer associated with the claimant is an employer currently employing the claimant, and

if the employer associated with the claimant is determined to be currently employing the claimant (see at least pages 14-15),

102. GAO does not teach denying the request as fraudulent; however GAO teaches determining detecting potential UI overpayments due to unreported earnings, it would have been obvious to deny these requests because they are fraudulent.

103. Kahn discloses unemployment insurance tax payment status of the employer.

104. It would have been obvious to combine these references for at least the reasons stated in claim 1.

105. As per **claim 81, (New)**

The method of claim 32, wherein electronically evaluating the request for an unemployment insurance benefit by the claimant comprises:

electronically accessing the unemployment insurance tax payment status of the employer stored in the unified database,

electronically determining, based on the accessed unemployment insurance tax payment status of the employer, whether the employer associated with the claimant is an employer currently employing the claimant, and

if the employer associated with the claimant is determined to be currently employing the claimant, electronically denying the request as fraudulent.

106. This claim is rejected under the same rationale as claim 80 above.

107. As per **claim 82**, (New)

The system of claim 72, wherein the unified desktop being configured to process a function related to an unemployment insurance benefit for the claimant comprises the unified desktop being configured to receive a request for an unemployment insurance benefit from the claimant and to communicate the request to a business layer configured to:

access the unemployment insurance tax payment status of the employer,
determine, based on the accessed unemployment insurance tax payment status of the employer, whether the employer associated with the claimant is an employer currently employing the claimant, and

if the employer associated with the claimant is determined to be currently employing the claimant, deny the request as fraudulent through the unified desktop.

108. This claim is rejected under the same rationale as claim 80 above.

109. As per **claim 84**, (New)

The method of claim 73, wherein electronically processing the function related to an unemployment insurance benefit for the claimant comprises:

receiving a request for an unemployment insurance benefit from the claimant through the unified desktop,

electronically accessing the unemployment insurance tax payment status of the employer, electronically determining, based on the accessed unemployment insurance tax payment status of the employer, whether the employer associated with the claimant is an employer currently employing the claimant, and

if the employer associated with the claimant is determined to be currently employing the claimant, electronically denying the request as fraudulent.

110. This claim is rejected under the same rationale as claim 80 above.

111. Claims 5-6, 12-15, 35-36 and 42-45 are is rejected under 35 U.S.C. 103(a) as being unpatentable over Micciantuono in view of GAO as applied to claim 3 above, and further in view of Neu et al., "Sending Your Government a Message" (hereinafter Neu) published 1999.

112. As per **claim 5**:

Micciantuono teaches a system of claim 3 wherein the access channel configured to communicate with a user over a computer network (see at least claim 14).

113. Micciantuono does not teach wherein the access channel comprises a web self-service center.

114. However Neu teaches an unemployment benefits access channel comprises a web self-service center configured to communicate with a user over a computer network (see at least page 13).

115. It would have been obvious to one of ordinary skill in the art to include in the practice of providing an access channel of Micciantuono, the practice of providing an access channel as taught by Neu because this would have saved staffing costs. Further, the claimed invention is merely a combination of old elements, and in the combination, each element merely would have performed the same function as is did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

116. Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings Micciantuono, GAO, Kahn and Neu to obtain the invention as specified in claim 5.

117. As per **claim 35**:

The method of claim 33 wherein accessing the unified database comprises communicating with the unified database over a computer network using a web self-service center.

118. This claim is rejected under the same rationale as claim 5 above.

119. As per **claim 6**:

Micciantuono does not teach a system of claim 3 wherein the access channel

comprises an optical character recognition module configured to scan a paper document received from a user and convert information on the paper document to computer readable data.

120. However Neu teaches a system wherein the access channel comprises an optical character recognition module configured to scan a paper document received from a user and convert information on the paper document to computer readable data (see at least page 65).

121. It would have been obvious to combine Micciantuono, GAO, Kahn and Neu for the same reasons as claim 5 above.

122. As per **claim 36**:

The method of claim 33 wherein accessing the unified database comprises scanning a paper document and converting information on the paper document into computer readable data.

This claim is rejected under the same rationale as claim 6 above.

123. As per **claim 12**:

Micciantuono does not teach a system of claim 1 further comprising a web page interface configured to receive a web-based communication from a user.

124. However Neu teaches a system comprising a web page interface configured to receive a web-based communication (receiving input from a web page) from a user (see at least page 71).

125. It would have been obvious to combine Micciantuono, GAO, Kahn and Neu for the same reasons as claim 5 above.

126. As per **claim 13**:

Micciantuono does not teach a system of claim 12 wherein the web page interface is configured to send a web-based communication to a user.

127. However Neu teaches a system wherein the web page interface is configured to send a web-based communication (presenting a webpage) to a user (see at least page 71).

128. It would have been obvious to combine Micciantuono, GAO, Kahn and Neu for the same reasons as claim 5 above.

129. As per **claim 14**:

Micciantuono does not teach a system of claim 12 wherein the web page interface comprises one or more web pages configured to enable the claimant to submit the request for the unemployment insurance benefit.

130. However Neu teaches a system wherein the web page interface comprises one or more web pages configured to enable the claimant to submit the request for the unemployment insurance benefit (see at least page 71).

131. It would have been obvious to combine Micciantuono, GAO, Kahn and Neu for the same reasons as claim 5 above.

132. As per **claim 42:**

The method of claim 32 further comprising receiving a first web-based communication from a user through a web-based interface.

133. This claim is rejected under the same rationale as claim 12 above

134. As per **claim 43:**

The method of claim 42 further comprising sending a second web-based communication to a user through the web-based interface.

135. This claim is rejected under the same rationale as claim 13 above.

136. As per **claim 44:**

The method of claim 32 further comprising providing one or more web pages that enable the claimant to file the request for the unemployment insurance through a web-based interface.

137. This claim is rejected under the same rationale as claim 14 above.

138. Claims 15 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Micciantuono in view of GAO and Kahn and further in view of Neu as applied to claim 12 above, and further in view of Knight Ridder Tribune Business New, "South Carolina Tax Payments Go Online" (hereinafter Kight).

139. As per **claim 15:**

Micciantuono does not teach a system of claim 12 wherein the web page

interface comprises one or more web pages configured to enable the employer to manage an unemployment insurance tax.

140. However Knight teaches a system wherein the web page interface comprises one or more web pages configured to enable the employer to manage an unemployment insurance tax

141. It would have been obvious to one of ordinary skill in the art to include in the practice of providing an access channel of Micciantuono, the practice of providing an access channel as taught by Knight because this would have saved staffing costs. Further, the claimed invention is merely a combination of old elements, and in the combination, each element merely would have performed the same function as is did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

142. Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings Micciantuono, GAO, Kahn, Neu and Knight to obtain the invention as specified in claim 15.

143. As per **claim 45**:

The method of claim 32 further comprising providing one or more web pages that enable the employer to manage an unemployment insurance tax through a web-based interface.

144. This claim is rejected under the same rationale as claim 15 above.

145. Claims 20-21 and 50-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Micciantuono in view of GAO and Kahn as applied to claim 1 above, and further in view of Callen et al., US 6332125 B1 (hereinafter Callen).

146. As per **claim 20 and 21**:

Micciantuono does not disclose the system of claim 1 wherein the functional layer is further configured to:

receive the request for the unemployment insurance benefit;

send a notification to the employer associated with the claimant indicating that the claimant is seeking the unemployment insurance benefit;

receive a response from the employer to the notification; and

update the unified database based on the response from the employer

147. However Callen discloses a system which receives the request for the unemployment insurance benefit and receiving a notification from the employer in response to a termination event in order to verify a request for an unemployment insurance benefit and storing the notification in a database (see at least column 9 paragraphs 2-5). Therefore the limitations of claims 20 and 21 are obvious improvements over the prior art.

148. It would have been obvious to one of ordinary skill in the art to include in the practice of providing an access channel of Micciantuono, the practice of verifying an unemployment claim as taught by Callen because this would have saved staffing costs. Further, the claimed invention is merely an obvious improvement over old elements

since the difference between the prior art and the limitations as claimed are obvious and the verifications both affected identically, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

149. Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings Micciantuono, GAO, Kahn, Neu and Callen to obtain the invention as specified in claims 20 and 21.

150. As per **claim 50 and 51:**

The method of claim 32 further comprising:

receiving the request for the unemployment insurance benefit;

sending a notification to the employer associated with the claimant indicating that the claimant is seeking the unemployment insurance benefit;

receiving a response from the employer to the notification; and

further comprising updating the unified database based on the response from the employer.

This claim is rejected under the same rationale as claims 20 and 21 immediately above.

151. Claims 20-21 and 50-51 are also rejected under 35 U.S.C. 103(a) as being unpatentable over Micciantuono in view of GAO and Kahn as applied to claim 1 above, and further in view of National Finance Center "Unemployment Compensation For Federal Employees" (hereinafter UCFE).

152. As per **claims 20 and 21**:

153. Micciantuono does not disclose the system of claim 1 wherein the functional layer is further configured to:

- receive the request for the unemployment insurance benefit;

- send a notification to the employer associated with the claimant indicating that the claimant is seeking the unemployment insurance benefit;

- receive a response from the employer to the notification; and

- update the unified database based on the response from the employer.

154. However UCFE discloses receive the request for the unemployment insurance benefit;

- send a notification to the employer associated with the claimant indicating that the claimant is seeking the unemployment insurance benefit;

- receive a response from the employer to the notification; and

- update the unified database based on the response from the employer (see at least page 3).

155. It would have been obvious to one of ordinary skill in the art to include in the practice of providing an access channel of Micciantuono, the practice of verifying an unemployment claim as taught by UCFE because this would have saved staffing costs. Further, the claimed invention is merely a combination of old elements and each element would have performed the same function as is did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings Micciantuono, GAO, Kahn, Neu and UCFE to obtain the invention as specified in claims 20 and 21.

156. As per **claim 50 and 51:**

The method of claim 32 further comprising:
receiving the request for the unemployment insurance benefit;
sending a notification to the employer associated with the claimant indicating that the claimant is seeking the unemployment insurance benefit;
receiving a response from the employer to the notification; and
further comprising updating the unified database based on the response from the employer.

This claim is rejected under the same rationale as claims 20 and 21 immediately above.

157. Claims 27, 57, and 69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Micciantuono in view of GAO and Kahn as applied to claim 1 above, and further in view of Dan Harrie. "Reporting Of New Hires Saves Millions For State" (hereinafter Harrie).

158. As per **claim 27:**

Micciantuono does not teach a system of claim 1 wherein the functional layer is further configured to determine whether the request for the unemployment insurance

benefit is fraudulent based on a tax payment status of a second employer associated with the claimant.

159. However Harrie discloses using a second employer data to determine whether the request for unemployment insurance benefit is fraudulent. Further, it would have been obvious to modify Harrie to use a tax payment status because it is old and well know to retrieve tax data and analyze it.

160. Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings Micciantuono, GAO, Kahn and Harrie to obtain the invention as specified in claim 27.

161. As per **claim 57**:

The method of claim 32 further comprising determining whether the request by the claimant is fraudulent based on a tax payment status of a second employer associated with the claimant.

162. This claim is rejected under the same rationale as claim 27 above.

163. As per **claim 69**:

Micciantuono does not teach the method of claim 32 further comprising notifying a claimant of an unemployment insurance benefit overpayment. However Harrie teaches notifying a claimant of an unemployment insurance benefit overpayment (see at least page 2 paragraph 2).

It would have been obvious to one of ordinary skill in the art to combine the teachings of Micciantuono, GAO, Kahn and Harrie to obtain the invention as specified in claim 69 for at least the reasons mentioned in 27 above.

164. Claims 74-75 are rejected under 35 U.S.C. 103 as being unpatentable over Micciantuono.

165. As per **claim 74**:

A system for handling unemployment insurance comprising:
a unified database containing unemployment insurance benefit data and unemployment insurance tax data (see at least paragraphs [0008], [0033]-[0036]);
and a functional layer that is configured to perform a function related to an unemployment insurance benefit for a claimant (see at least paragraph [0021]) and a function related to taxes for an employer (see at least paragraphs [0008]), based on the unemployment insurance benefit data and the unemployment insurance tax data.

166. It would have been obvious to modify Micciantuono to perform a function with regard to unemployment insurance tax rather than simply withholding taxes because unemployment insurance taxes are a specific type of withholding taxes.

167. As per **claim 75**:

Micciantuono discloses a method for handling unemployment insurance comprising:
electronically providing a unified database containing unemployment insurance

benefit data and unemployment insurance tax data;

and electronically performing, using at least one processor a function related to an unemployment insurance benefit for a claimant and a function related an unemployment insurance tax for an employer, based on the unemployment insurance benefit data and the unemployment insurance tax data.

168. This claim is rejected under the same rationale as claim 74 above.

169. Claims 86 is rejected under 35 U.S.C. 103 as being unpatentable over Micciantuono as applied to claim 74 above, and further in view of GAO.

170. As per **claim 86**, (New):

Micciantuono teaches the system of claim 74, wherein the functional layer being configured to perform a function related to an unemployment insurance benefit for the claimant comprises the functional layer being configured to:

receive a request for an unemployment insurance benefit from the claimant,

171. Micciantuono does not teach the system which includes:

access the unemployment insurance tax data,

determine, based on the accessed unemployment insurance tax data, whether the claimant is currently employed, and

if the claimant is determined to be currently employed, deny the request as fraudulent.

However GAO teaches a system to:

access the data,

determine, based on the accessed data, whether the claimant is currently employed, and

if the claimant is determined to be currently employed (see at least pages 14-15).

172. GAO does not teach denying the request as fraudulent; however GAO teaches determining detecting potential UI overpayments due to unreported earnings, it would have been obvious to deny these requests because they are fraudulent.

173. It would have been oblivious to include in system and database containing unemployment insurance benefit data taught by Micciantuono, practice of accessing and determining as taught by GAO for evaluating a request for unemployment insurance benefits because this would prevent overpayments. Further, because the claimed invention is merely a combination of old elements, and in the combination, each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

174. Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings Micciantuono and GAO to obtain the invention as specified in claim 86.

175. Claim 83 is rejected under 35 U.S.C. 103(a) as being unpatentable over Micciantuono view of GAO and Kahn as applied to claim 72 above and further in view of Štěpán Jurajda "Unemployment Outflow and Unemployment Insurance Taxes" (hereinafter Jurajda).

176. As per **claim 83**, (New)

Micciantuono discloses the system of claim 72, wherein the unified desktop being configured to process a function related to an unemployment insurance tax for the employer comprises the unified desktop being configured to communicate with a business layer to:

access the benefit status of the claimant (see at least paragraph [0016]).

177. Micciantuono does not teach a business layer to:

access the unemployment insurance tax payment status of the employer,
determine, based on the accessed benefit status of the claimant and the accessed unemployment insurance tax payment status of the employer, an amount of unemployment insurance tax due from the employer, and

communicate the amount of unemployment insurance tax due from the employer through the unified desktop.

178. However Kahn teaches a business layer to:

access the unemployment insurance tax payment status of the employer (see at least paragraphs [0205]-[0206], Figure 41(c), and [0304]-[0305])

179. It would have been obvious to one of ordinary skill in the art to include in the system to access the benefit status of the claimant of Micciantuono, the system to access the unemployment insurance tax payment status of the employer as taught by Kahn because the claimed invention is merely a combination of old elements, and in the combination, each element merely would have performed the same function as it did

separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

180. Further Jurajda teaches the old and well known practice of determining Unemployment Insurance rates:

determine, based on the accessed benefit status of the claimant (reads on "collected UI Benefits") and the accessed unemployment insurance tax payment status of the employer (reads on the maximum or minimum amounts), an amount of unemployment insurance tax due from the employer (see at least the Introduction paragraphs 1-3),

181. It would have been obvious to one of ordinary skill in the art to include in the system to access the benefit status of the claimant and the unemployment insurance tax payment status of the employer as taught by Micciantuono in view of Kahn, the practice of determining the amount of unemployment insurance tax due from the employer as taught by Jurajda because the claimed invention is merely a combination of old elements, and in the combination, each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

182. Micciantuono, Kahn and Jurajda do not teach a system communicate the amount of unemployment insurance tax due from the employer through the unified desktop.

183. However Official Notice is taken that it is old and well known to communicate information through the unified desktop. For example, emails disseminating information

was old and well known, also automatically downloading updates was old and well known.

184. It would have been obvious to one of ordinary skill in the art to include in the system to determine the amount of unemployment insurance tax due from the employer as obvious in view of Micciantuono, Kahn and Jurajda, the old and well known to communicate information through the unified desktop because the claimed invention is merely a combination of old elements, and in the combination, each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

185. Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of Micciantuono, GAO, Kahn, and Jurajda to obtain the invention as specified in claim 83.

186. Claim 85 is rejected under 35 U.S.C. 103(a) as being unpatentable over Micciantuono view of GAO and Kahn as applied to claim 73 above and further in view of Jurajda

187. As per **claim 85, (New)**

188. The method of claim 73, wherein electronically processing a function related to an unemployment insurance tax for the employer comprises:

electronically accessing the benefit status of the claimant;

electronically accessing the unemployment insurance tax payment status of the employer;

electronically determining, based on the accessed benefit status of the claimant and the accessed unemployment insurance tax payment status of the employer, an amount of unemployment insurance tax due from the employer, and

electronically communicating the amount of unemployment insurance tax due from the employer through the unified desktop.

This claim is rejected under the same rationale as claim 83 above.

189. Claim 87 is rejected under 35 U.S.C. 103(a) as being unpatentable over Micciantuono as applied to claim 74 above and further in view of Kahn and Jurajda.

190. As per **claim 87**, (New)

The system of claim 74, wherein the functional layer being configured to perform a function related to an unemployment insurance tax for the employer comprises the functional layer being configured to:

access the unemployment insurance benefit data; access the unemployment insurance tax data;

determine, based on the accessed unemployment insurance benefit data and the accessed unemployment insurance tax data, an amount of unemployment insurance tax due from the employer; and

communicate the amount of unemployment insurance tax due from the employer.

191. This claim is rejected under the same rationale as claim 83 above.

192. Claim 88 is rejected under 35 U.S.C. 103(a) as being unpatentable over Micciantuono as applied to claim 78 above and further in view of GAO and Kahn.

193. As per **claim 88**, (New):

The method of claim 75, wherein electronically performing a function related to an unemployment insurance benefit for the claimant comprises:

receiving a request for an unemployment insurance benefit from the claimant,
electronically accessing the unemployment insurance tax data,
electronically determining, based on the accessed unemployment insurance tax data, whether the claimant is currently employed, and if the claimant is determined to be currently employed, denying the request as fraudulent.

194. This claim is rejected under the same rationale as claim 86 above.

195. Claim 89 is rejected under 35 U.S.C. 103(a) as being unpatentable over Micciantuono as applied to claim 75 above and further in view of GAO, Kahn and Jurajda.

196. As per **claim 89**, (New):

The method of claim 75, wherein electronically performing the function related to an unemployment insurance tax for the employer comprises:

electronically accessing the unemployment insurance benefit data;
electronically accessing the unemployment insurance tax data;
electronically determining, based on the accessed unemployment insurance benefit data and the accessed unemployment insurance tax data, an amount of

unemployment insurance tax due from the employer; and electronically communicating the amount of unemployment insurance tax due from the employer.

197. This claim is rejected under the same rationale as claim 83 above.

Conclusion

Response to Arguments

198. Applicant's arguments with respect to claim 1-89 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

199. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RYAN D. DONLON whose telephone number is (571)270-3602. The examiner can normally be reached on Monday through Friday 7:30am to 5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Kyle can be reached on (571) 272-6746. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. D. D./
Examiner, Art Unit 3695
August 11, 2009

/Charles R. Kyle/
Supervisory Patent Examiner, Art Unit 3695